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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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8 TRUSTEES OF THE OPERATING
9 ENGINEERS PENSION TRUST, et al.,

10 Plaintiffs,

11 v.

12 ALLEN DRILLING, INC., et al.,

13 Defendants.
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2:11-CV-779 JCM (LRL)

15 **ORDER**

16 Presently before the court are plaintiffs Trustees of the Operating Engineers Pension Trust
17 et al's motions to add SJA, Inc. d.b.a. Anderson Drilling (doc. #13) and Marnell Corrao Associates,
18 Inc. (doc. #14) as defendants. Any opposition was due on July 2, 2011. To date, no opposition has
19 been filed.

20 Plaintiffs filed their complaint (doc. #1) on May 13, 2011, against several defendants for
21 failure to make payments under the Employment Retirement Income Security Act of 1974.
22 Subsequently, on June 15, 2011, plaintiff filed the present motions (docs. #13 and 14) seeking to add
23 additional parties.

24 In the motions, plaintiffs contend that both Marnell Corrao Associates, Inc. and SJA, Inc.
25 d.b.a. Anderson Drilling, "like the other [d]efendants in this suit, subcontracted work to Jen
26 Holdings, Inc. d.b.a. Mike Quinn Concrete Pumping Company. During the time periods the
27 prospective defendants subcontracted work, plaintiffs allege that Jen Holdings "was signatory to a
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1 collective bargaining agreement with the International Union of Operating Engineers, Local 12.”
2 Pursuant to that agreement, Jen Holdings was obligated to pay fringe benefit contributions, yet failed
3 to do so.

4 Under Nevada Revised Statute 608.150, an original contractor is required to pay the unpaid
5 wages and benefits that its subcontractors fail to pay. As a result, the plaintiffs assert that both SJA,
6 Inc. and Marnell Corrao Associates, Inc. are responsible for the money owed. Therefore, plaintiffs
7 contend that the court should allow them to add SJA, Inc. d.b.a. Anderson Drilling and Marnell
8 Corrao Associates, Inc. as defendants. Plaintiffs assert that they delivered a copy of the present
9 motions to the prospective defendants, and that they will serve the original summons and a copy of
10 the complaint upon the granting of the motions.

11 Good cause appearing,

12 IT IS HEREBY ORDERED ADJUDGED AND DECREED that plaintiffs Trustees of the
13 Operating Engineers Pension Trust et al’s motions to add SJA, Inc. d.b.a. Anderson Drilling (doc.
14 #13) and Marnell Corrao Associates, Inc. (doc. #14) as defendants be, and the same hereby are,
15 GRANTED.

16 IT IS THEREFORE ORDERED THAT plaintiffs serve the original summons and a copy of
17 the complaint on SJA, Inc. d.b.a. Anderson Drilling and Marnell Corrao Associates, Inc.

18 DATED July 21, 2011.

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21 **UNITED STATES DISTRICT JUDGE**
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